

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81084 of 2024

Arising Out of PS. Case No.-1003 Year-2024 Thana- Excise P.S. District- Gaya

Munna Yadav Son of Ramji Yadav Village- Gewal Bigha Bathan, P.S.-
Rampur, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 1003 of 2024 for the offence punishable under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 26.09.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, Police upon information, intercepted a tempo and there is recovery/seizure of 52.875 liters of foreign liquor and 41 liters of Beer. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that though he is the owner and the driver of the tempo, had no knowledge about the presence of liquor as he was carrying the items loaded, has no criminal antecedent and is in custody since 26.09.2024 (paragraph-4 of the petition). Further, the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Gaya for the purchase of



Steel Benches for the Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he being the owner and the driver cannot disown the presence of liquor.

6. Though allegations are there it is the case of the petitioner that he used to give his tempo for hire, has remained in custody since 26.09.2024 having no criminal antecedent and an undertaking has been given that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Gaya for the purchase of Steel Benches for the Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase shall be submitted to the trial Court by the DLSA, Gaya.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya, in connection with Excise P.S. Case No. 1003 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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